

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 198

# **HOUSE BILL 2609**

AN ACT

AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 41-133; RELATING TO PUBLIC OFFICEHOLDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 1, article 2, Arizona Revised Statutes,  
3 is amended by adding section 41-133, to read:

4 41-133. Officeholder expenses; account; reporting; limitations;  
5 civil penalty; definition

6 A. ANY PERSON WHO HOLDS ELECTED STATEWIDE PUBLIC OFFICE OR A  
7 LEGISLATIVE OFFICE IN THIS STATE, WHETHER BY ELECTION OR APPOINTMENT, MAY  
8 RECEIVE OR SPEND MONIES TO DEFRAY THE COSTS OF PERFORMING OFFICEHOLDER DUTIES  
9 AS FOLLOWS:

10 1. AN OFFICEHOLDER MAY RECEIVE CONTRIBUTIONS PURSUANT TO THIS SECTION  
11 ONLY FROM INDIVIDUALS, AND THE MAXIMUM AMOUNT THAT MAY BE RECEIVED FROM AN  
12 INDIVIDUAL DURING AN ELECTION CYCLE IS ONE HUNDRED FIFTY DOLLARS.

13 2. THE TOTAL AMOUNT THAT AN OFFICEHOLDER MAY RECEIVE OR SPEND PURSUANT  
14 TO THIS SECTION DURING AN ELECTION CYCLE IS NINETY-EIGHT THOUSAND THREE  
15 HUNDRED SIXTY DOLLARS FOR THE GOVERNOR, FIFTY-ONE THOUSAND SIX HUNDRED EIGHTY  
16 DOLLARS FOR THE SECRETARY OF STATE AND THE ATTORNEY GENERAL, TWENTY-FIVE  
17 THOUSAND EIGHT HUNDRED FORTY DOLLARS FOR ALL OTHER STATEWIDE OFFICEHOLDERS  
18 AND NINE THOUSAND EIGHT HUNDRED DOLLARS FOR A LEGISLATOR, WHICH MAY INCLUDE  
19 PERSONAL MONIES AS PRESCRIBED BY PARAGRAPH 3 OF THIS SUBSECTION. THE  
20 SECRETARY OF STATE SHALL ADJUST THIS AMOUNT BIENNIALY AS PRESCRIBED IN  
21 SECTION 16-905, SUBSECTION H.

22 3. AN OFFICEHOLDER MAY CONTRIBUTE UP TO THIRTY PER CENT OF THE LIMITS  
23 AS PRESCRIBED BY PARAGRAPH 2 OF THIS SUBSECTION OF THE OFFICEHOLDER'S  
24 PERSONAL MONIES TO THE OFFICEHOLDER'S EXPENSE ACCOUNT.

25 B. FOR AN OFFICEHOLDER'S FUTURE CAMPAIGN MONIES RECEIVED DO NOT  
26 CONSTITUTE A CONTRIBUTION AS DEFINED IN SECTION 16-901 IF THE MONIES ARE  
27 RECEIVED, EXPENDED AND REPORTED AS PRESCRIBED IN THIS SECTION.

28 C. AN OFFICEHOLDER SHALL ESTABLISH A SEPARATE ACCOUNT FOR OFFICEHOLDER  
29 EXPENSES, WHICH SHALL BE SEPARATE FROM ANY CANDIDATE CAMPAIGN ACCOUNT. THE  
30 OFFICEHOLDER SHALL FILE A STATEMENT OF ORGANIZATION FOR THE ACCOUNT  
31 DESIGNATED AS AN OFFICEHOLDER EXPENSE ACCOUNT. MONIES RAISED OR SPENT FOR  
32 OFFICEHOLDER EXPENSES SHALL BE REPORTED UNDER CAMPAIGN FINANCE REPORTING  
33 REQUIREMENTS PURSUANT TO TITLE 16, CHAPTER 6, ARTICLE 1.

34 D. AN OFFICEHOLDER SHALL NOT USE MONIES IN THE OFFICEHOLDER ACCOUNT  
35 FOR CAMPAIGN PURPOSES. PERMISSIBLE USES OF MONIES IN AN OFFICEHOLDER ACCOUNT  
36 INCLUDE THE FOLLOWING:

37 1. OFFICE EQUIPMENT AND SUPPLIES.

38 2. TRAVEL RELATED TO THE OFFICEHOLDER'S DUTIES.

39 3. MEETING OR COMMUNICATING WITH CONSTITUENTS.

40 4. EXPENSES FOR INFORMATIONAL AND EDUCATIONAL PURPOSES, INCLUDING  
41 SUBSCRIPTIONS TO NEWSPAPERS, MAGAZINES OR OTHER PERIODICALS OR WEBSITES OR  
42 OTHER INFORMATIONAL SERVICES, MEMBERSHIP OR PARTICIPATION IN COMMUNITY,  
43 PROFESSIONAL OR FRATERNAL ORGANIZATIONS AND PARTICIPATION IN CONFERENCES AND  
44 SEMINARS.

1 E. AN OFFICEHOLDER SHALL NOT RECEIVE OR SPEND MONIES FROM THE  
2 OFFICEHOLDER ACCOUNT DURING THE PERIOD BEGINNING APRIL 30 IN AN ELECTION  
3 YEAR, SHALL COMPLETE THE PURCHASE OR OTHERWISE USE THE ITEM BEFORE APRIL 30  
4 IN AN ELECTION YEAR AND SHALL NOT SPEND THOSE MONIES UNTIL AFTER THE DAY OF  
5 THE GENERAL ELECTION. ANY MONIES REMAINING IN THE OFFICEHOLDER EXPENSE  
6 ACCOUNT BEGINNING APRIL 30 IN AN ELECTION YEAR MAY NOT BE USED EXCEPT AS  
7 FOLLOWS:

8 1. PAID TO THE STATE GENERAL FUND.

9 2. FOR A PERSON WHO CONTINUES TO HOLD OFFICE AS PRESCRIBED IN THIS  
10 SECTION, CARRIED FORWARD TO AN OFFICEHOLDER EXPENSE ACCOUNT FOR ANOTHER  
11 OFFICE OR TERM OF OFFICE, SUBJECT TO THE LIMITATIONS PRESCRIBED BY THIS  
12 SECTION.

13 F. AN OFFICEHOLDER SHALL NOT TRANSFER OFFICEHOLDER ACCOUNT MONIES TO  
14 ANY OTHER ACCOUNT OR COMMITTEE EXCEPT FOR ANOTHER OFFICEHOLDER ACCOUNT FOR  
15 THAT SAME OFFICEHOLDER.

16 G. SECTION 41-1234.01 APPLIES TO CONTRIBUTIONS TO AN OFFICEHOLDER  
17 ACCOUNT FOR LEGISLATORS.

18 H. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF  
19 THREE TIMES ANY AMOUNT IMPROPERLY RECEIVED, SPENT OR REPORTED.

20 I. SECTION 16-924 APPLIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF  
21 THIS SECTION.

22 J. ANY MONIES HELD BY AN OFFICEHOLDER PURSUANT TO THE OFFICEHOLDER  
23 EXPENSE ACCOUNT RULES ESTABLISHED BY THE CITIZENS CLEAN ELECTIONS COMMISSION  
24 ARE SUBJECT TO THIS SECTION, AND THE CITIZENS CLEAN ELECTIONS COMMISSION HAS  
25 NO FURTHER AUTHORITY WITH RESPECT TO THOSE MONIES.

26 K. FOR THE PURPOSES OF THIS SECTION, "OFFICEHOLDER" MEANS A PERSON WHO  
27 HOLDS AN ELECTED STATEWIDE PUBLIC OFFICE OR A LEGISLATIVE OFFICE IN THIS  
28 STATE, WHETHER BY ELECTION OR APPOINTMENT.

29 Sec. 2. Officeholder expense accounts pursuant to citizens  
30 clean elections commission rule

31 Any officeholder with an officeholder expense account established  
32 pursuant to rules adopted by the citizens clean elections commission may  
33 lawfully continue to keep the same officeholder expense account after  
34 expiration of those rules and before the effective date of this act. On the  
35 effective date of this act, any person with an officeholder expense account  
36 established pursuant to the citizens clean elections commission rules shall  
37 comply with this act except that the secretary of state may not take action  
38 regarding possible violations that took place under citizens clean elections  
39 commission rules.

40 Sec. 3. Emergency

41 This act is an emergency measure that is necessary to preserve the  
42 public peace, health or safety and is operative immediately as provided by  
43 law.

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.